

**The Offices of  
HENRY M. FEIEREISEN**

Patent Agent

350 Fifth Avenue, Suite 4714, New York, N.Y. 10118

Tel: (212) 244-5500, Fax: (212) 244-2233, E-Mail: info@feiereisenllc.com

**FACSIMILE TRANSMISSION**

TO:	Commissioner for Patents
ATTENTION:	Richard Ross
FAX-NO.:	(571) 273-0459
FROM:	Henry M. Feiereisen
APPL. NO.	10/069,423
FILED:	February 19, 2002 (as corrected)
DOCKET NO:	BERTELSHOFER
TYPE OF PAPER:	1. Petition to Correct Filing Date 2. Amendment Pursuant to 37 C.F.R. 1.312(a)
DATE:	October 11, 2004
NO. OF PAGES (including this page):	8 pages
MESSAGE:	DELIVER DIRECTLY TO EXAMINER

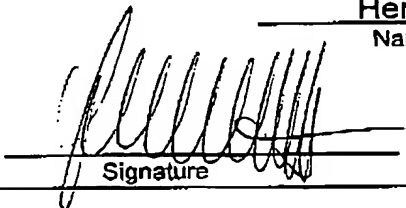
**RECEIVED**  
11 OCT 2004  
Legal Staff  
International Division

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Alexandria VA 22313-1450, on the date shown below.

Henry M Feiereisen

Name of Representative

  
Signature

10-11-2004

Date

The information contained in this facsimile message is confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, this serves as notice that any dissemination, distribution or copying of the communication is strictly prohibited. If this communication is received in error, please notify sender at above telephone number.

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.: BERTELSHOFER

In re Application of:	)
THOMAS BERTELSHOFER et al.	) Examiner: Johnson, Vicky A
Appl. No.: 10/069,423	) Group Art Unit: 3682
Filing Date: February 19, 2002 (as corrected)	)
For: TENSIONER FOR A TRACTION DRIVE	)
(as amended)	)

**PETITION UNDER 37 C.F.R. §1.10(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
S I R:

Applicant hereby petitions the Commissioner to accord the filing date of February 19, 2002, instead of February 17, 2002, to above-identified patent application.

Enclosed are:

- 1) Copy of original transmittal letter showing the Express Mail Certificate with the number of the "Express Mail" mailing label, and
- 2) A true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS (stamped date) relied upon to show the date of deposit.

Docket No: BERTELSHOFER  
Appl. No: 10/069,423

Under the circumstances presented herewith, it is applicant contention that a filing date of February 19, 2002 should be accorded to the above-referenced patent application, and acknowledgement of this fact is respectfully requested.

Respectfully submitted,

By: 

Henry M. Feiereisen  
Agent for Applicant  
Reg. No. 31,084

Date: October 11, 2004  
350 Fifth Avenue  
Suite 4714  
New York, N.Y. 10118  
(212) 244-5500  
HMF:ub

Express Mail No.: **EV 063148864 US**Date: **February 19, 2002**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

**ANTONELLA FUSILLO**

(Name of person mailing paper or fee)

(Signature)

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371**
**Attorney's Docket No:  
BERTELSHOFER**

INTERNATIONAL APPLICATION NO.

**PCT/EP00/07142**

INTERNATIONAL FILING DATE

**26 July 2000**

PRIORITY DATE CLAIMED

**17 August 1999**

TITLE OF INVENTION

**TENSIONER FOR A TRACTION DRIVE**

APPLICANT(S) FOR DO/EO/US

**THOMAS BERTELSHOFER, ALFRED STRASSER, THOMAS EBNER & ANDREAS LANG**

**Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:**

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ Original or facsimile of an oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: International Search Report and Form PTO-1449/ Form PCT/IB/308

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NO.
		<b>PCT/EP00/07142</b>	<b>BERTELSHOFFER</b>
17. <input checked="" type="checkbox"/> The following fees are submitted : BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):			
<input checked="" type="checkbox"/> For filing with EPO or JPO search report (37 C.F.R. 1.492(a)(5))			\$ 890.00
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(1))			\$ 710.00
<input type="checkbox"/> No International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(2)) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2))			\$ 740.00
<input type="checkbox"/> Neither international preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(3)) nor international search fee paid to USPTO (37 C.F.R. 1.445(a)(2))			\$1,040.00
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 C.F.R. 1.492(a)(4)) and all claims satisfied provisions of PCT Articles 33(2)-33(4)			\$ 100.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			
Claims	Number Field	Rate	
Total Claims	37-20	x \$ 18.00	\$ 306.00
Independent Claims	2-3	x \$ 84.00	
Multiple dependent claims (if applicable)		x \$280.00	
TOTAL OF ABOVE CALCULATIONS			\$1,196.00
<input type="checkbox"/> Applicant claims small entity status pursuant to 37 C.F.R. 1.27. Reduction by 1/2 for filing by small entity.			
SUBTOTAL			\$1,196.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date 37 CFR 1.492(f).			
TOTAL NATIONAL FEE			\$1,196.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			\$ 40.00
TOTAL FEES ENCLOSED			\$1,236.00
Amount to be refunded			
charged			

a. ☒ A check in the amount of \$1,236.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 06-0502 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**Send all correspondence to:**

HENRY M. FEIEREISEN  
 350 Fifth Avenue  
 Suite 3220  
 New York, N.Y. 10118  
 (212) 244-5500  
 Date: February 19, 2002

  
 HENRY M. FEIEREISEN  
 Registration No. 31,084



# POST OFFICE TO ADDRESSEE



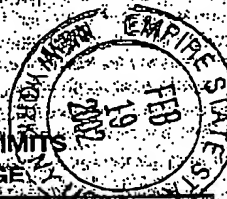
EV 069148864 US

UNITED STATES POSTAL SERVICE

## ORIGIN (POSTAL USE ONLY)

PO ZIP Code 10001	Day of Delivery First <input checked="" type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date In 2/17/02	Postage \$ 16.25	
Time In 1:54 PM	Return Receipt Fee <input type="checkbox"/>	
Weight 1.5 oz	COD Fee <input type="checkbox"/> Insurance Fee <input type="checkbox"/>	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/>	Acceptance Clerk Initials 00	Total Postage & Fees \$ 16.25

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE



Customer Copy  
Label 11-F August 2000

## CUSTOMER USE ONLY

METHOD OF PAYMENT

X095793

Business Mail Corporate Acct. No.

Postnet Agency Acct. No. or  
Postnet Service Acct. No.

FROM: (PLEASE PRINT)

PHONE

TO: (PLEASE PRINT)

PHONE

HENRY M FEIEREISEN  
350 5TH AVE STE 3220  
NEW YORK NY 10118-3220

EX-100-100  
COMMISSIONER FOR PATENTS  
WASHINGTON D.C. 20231

FOR PICKUP OR TRACKING CALL 1-800-222-1811

WWW.USPS.COM



## UNITED STATES POSTAL SERVICE

\*\*\*\*\* WELCOME TO \*\*\*\*\*

EMPIRE STATE STA.  
NEW YORK, NY 10001-9998  
02/19/02 03:44PM

Store USPS	Trans	111
Wkstn sys5004	Cashier	KBZ9PT
Cashier's Name	JILL	
Stock Unit Id	JILLSSA	
PO Phone Number	212-736-8282	

1. Exp. Mail PO-ADD 0.00  
Destination: 20231  
Weight: 11b 13.20oz  
Postage Type: None  
Total Cost: 16.25  
Base Rate: 16.25  
Label#: EV083148864US  
Corporate Acct.: 095793  
Amount Charged: 16.25

Subtotal 0.00  
Total 0.00

Number of Items Sold: 1

Thank You  
Please Come Again

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**